

### ARTICLE I: Name

The name of this committee shall be the Medical Marijuana Scientific Advisory Council, herein referred to as the “Council”, created pursuant to Senate Bill 14-155, CRS 25-1.5-106.5, operating within the Department of Public Health and Environment, Disease Control and Environmental Epidemiology Division, herein referred to as the “department.”

### ARTICLE II: Purpose

The Colorado Department of Public Health and Environment is responsible for appointing members of the Council in order to ensure objectivity in evaluating research proposals and to provide a peer review process that guards against funding research that is biased in favor of or against particular outcomes.

### ARTICLE III: Members

Members of the Council shall be appointed by the Executive Director of the department and, except for the member who represents medical marijuana patient interests, shall be chosen on the basis of their expertise in the scientific substance and methods of the proposed research and for their lack of bias or conflict of interest regarding the applicants or the topic of an approach taken in the proposed research. The Council shall consist of at least six and no more than 13 members. The Chief Medical Officer of the department, or his or her designee, is also a member of the Council and is chair of the Council. Members of the Council must include the following types of experts:

- a) At least one epidemiologist with expertise in designing and conducting large, observational studies and clinical trials;
- b) at least one clinician with expertise in designing and conducting clinical trials;
- c) a clinician familiar with the recommendation, dosage, and administration of medical marijuana under current state laws;
- d) a medical toxicologist;
- e) a neurologist;
- f) a pediatrician;
- g) a psychiatrist;
- h) an internal medicine physician or other specialist in adult medicine;
- i) a preventive medicine specialist or public health professional;
- j) a substance abuse specialist;
- k) an alternative medicine specialist with expertise in herbal or alternative medicine;
- l) a person who represents medical marijuana patient interests; and
- m) an ad hoc member (with clinical expertise in the medical condition under study);
- n) *When reviewing petitions to add debilitating medical conditions to the Medical Marijuana Registry, the ad hoc member for reviewing research proposals may be replaced by an ad hoc physician in the field relevant to the petition, who may be recommended by the petitioner.*

- o) The Program Manager for the Medical Marijuana Registry may serve as an ex officio and non-voting member of the Council when the Council is reviewing petitions to add debilitating conditions to the Medical Marijuana Registry.*

#### ARTICLE IV: Duties of the Council

##### Section 1. The Council shall:

- a) Ensure compliance with Senate Bill 14-155, CRS 25-1.5-106.5;
- b) Provide policy guidance in the creation and implementation of the grant program;
- c) Provide scientific oversight and review; and
- d) Evaluate research proposals and submit recommendations to the department and the State Board of Health for recommended grant recipients, grant amounts, and grant duration.
- e) In accordance with 5 CCR 1006-2, review petitions to add a debilitating medical condition to the Medical Marijuana Registry, and make a denial or approval recommendation to the department.*

Section 2. Members appointed to the Council by the Executive Director, other than the Chief Medical Officer or his or her designee, shall serve on a voluntary basis for a two-year term and may be reappointed. Appointment of members is at the sole discretion of the department and Executive Director.

Section 3. Regular attendance and participation is vital to the purpose of the Council. Members accept the duty and obligation to attend meetings either in person or by teleconference and shall provide advance notice if they are unable to do so. Repeat, unexcused absences may be considered an abdication of the appointment and may be grounds for terminating a member's appointment at the recommendation of the Council. To terminate the member's appointment, at least one member of the Council shall submit his/her recommendation to the other members of the Council, which shall approve or disapprove the recommendation by majority vote.

Section 4. Members of the Council shall serve without compensation, but shall be reimbursed for their travel expenses incurred in the course of their participation, if travelling from outside the Denver metro area.

Section 5. Any member of the Council may resign from the Council at any time by notifying the Council Chair, or his/her designee, in writing. If a member finds it necessary to resign from the Council, he/she is encouraged to assist the department in nominating a suitable replacement and is encouraged to remain until a suitable replacement has accepted his/her nomination.

Section 6. Any member of the Council may be recommended for termination by majority vote of the Council or at the discretion of the Council Chair, as a result of:

- a) Resignation
- b) Violation of the Council Bylaws;
- c) Failure to disclose conflict of interest;
- d) Ineligibility of membership, including no longer maintaining the expertise or representing the category which was the basis for appointment;
- e) Material misrepresentation or fraud in any statement to the Council or to the public;
- f) Conviction of a felony;
- g) Conviction of a misdemeanor, which is directly related to public health or education. This includes, but is not limited to, rape, sexual abuse, actual or threatened use of a weapon, sale or distribution of a controlled substance, or its possession with intent to distribute.

h) Death or incapacitation.

Section 7. A notice shall be sent to the member, using the last address on file, setting forth the expulsion and the reasons therefore. Such notice shall be sent within fifteen days of the recommendation for termination. The Council shall submit, in writing and within thirty days after sending the notice, a recommendation in the form of a letter to the Executive Director of the department stating the Council's recommendation for termination of membership. The member will be terminated by action of the Council Chair and/or Executive Director.

ARTICLE V: Officers

Section 1. Per C.R.S. 25-1.5-106.5, the Chief Medical Officer of the department, or his or her designee, is chairperson of the Council.

Section 2. Duties of the Chairperson shall be to:

- a) Preside at all meetings of the Council;
- b) Approve and present meeting agendas;
- c) Observe and enforce the bylaws and policies of the Council; and
- d) Perform all such other duties of the office as provided by these bylaws or prescribed by the Council.

Section 3. In the absence of the Chairperson at any meeting in which a quorum is present, the Chairperson may designate in advance and in writing a member to serve as Chairperson for that meeting only, or in the absence of such designation, members present shall elect a Chairperson to serve for that meeting only.

ARTICLE VI: Department Staff

Section 1. The Council shall be supported by select department staff, and/or designees.

Section 2. Duties of the department staff, and/or designees, responsible for assisting the Council shall be:

- a) Provide support to the scientific processes of the Council;
- b) Prepare meeting documents under the direction of the Chairperson or grants program manager, consistent with state and department rules;
- c) Ensure background documents are prepared and information is presented to support the work of the Council;
- d) Attend and present designated materials to members of Council at meetings.

Section 3. The coordinator, in collaboration with the Council, shall:

- a) Notify all Council members and announce to the public, the time and place of the Council meetings at least seven working days prior to such meetings;
- b) Assist the Chairperson and grants program manager in the planning of meetings and development of agendas;
- c) Record, maintain, and distribute accurate minutes of all Council meetings.
- d) Attend to official correspondence
- e) Maintain the official Colorado Department of Public Health and Environment Medical Marijuana Research Grant Program website;

- f) Serve as a liaison to the Chairperson and grants program manager through participation in meetings, conference calls and emails;
- g) Assists in the development and handling of the final recommendations of the Council to the department.

#### ARTICLE VII: Meetings

Section 1. The Council shall meet at least quarterly, and more frequently as needed, at the call of the Chairperson.

Section 2. When all thirteen possible member appointments have been filled, a minimum quorum of eight members shall be required for all decisions of the Council. In the event of vacancies on the Council, a quorum shall be considered to be a simple majority of current members:

- a) No proxy or absentee voting shall be allowed.
- b) Members may fully participate in a meeting via teleconference.
- c) Any meeting may be cancelled by the Chairperson a minimum three working days prior to such meeting, when, in consultation with the coordinator and/or department staff, the Chairperson determines the meeting is not needed, or when there will not be a quorum present.
- d) Any meeting may be cancelled by the Chairperson at any time due to inclement weather or an emergency situation.

Section 3. In the absence of a quorum, any business transacted is null and void, except to take measures to obtain a quorum or to reschedule another meeting.

Section 4. All meetings of the Council shall be open to the public in accordance with regulations of the Colorado Open Records Act and Sunshine Law. The Council may move to Executive Session in accordance with the Open Records Act. Notice of all meetings shall be posted on the Medical Marijuana Scientific Advisory Council web site.

Section 5. All decisions and recommendations from the Council to the department, Board of Health, or other state entity shall have been adopted by majority vote of the Council.

Section 6. No individual member shall make a statement of policy that purports to be that of the Council unless the Council shall have adopted such policy, but no one shall be prohibited from stating his or her personal opinions, provided they are clearly identified as such.

Section 7. All discussions of the Council relative to the work of the committee are regarded as confidential information, not to be discussed in any form outside the context of the Council meetings.

#### ARTICLE VIII: Subcommittees and Task Forces

Section 1. Subcommittees of the Council may be established as needed by majority vote of the Council.

Section 2. Ad hoc committees and task forces including other individuals, groups, organizations or associations, pursuant to Article III, may be established by majority vote at any meeting of the Council:

- a) Membership shall be prescribed by the Council;

- b) The Council shall appoint the chairpersons of ad hoc committees and task forces; that chairperson shall come from Council membership;
- c) Ad hoc committees shall be given prescribed purposes and prescribed dates of discontinuance.

Section 3. Meetings of the subcommittees and any ad hoc committee or task force shall be open to the public, and shall hear testimony from the public in attendance in a manner as prescribed by the Council:

- a) Meetings shall be at the call of the chairperson of the subcommittee or task force.
- b) Meetings shall be announced at least seven working days prior to the meeting date in a manner as prescribed by the Council.
- c) A majority of the current membership of Council subcommittees or any ad hoc committee or task force shall constitute a quorum.
- d) No proxy or absentee voting shall be allowed for any member of a subcommittee or task force; however, a subcommittee member may fully participate and vote by teleconference;
- e) In the absence of the subcommittee or task force chairperson, the members shall elect a chairperson who shall serve for that meeting only.
- f) Meetings of Council subcommittees, ad hoc committees, and task forces shall be conducted in the manner as prescribed in the parliamentary authority.
- g) Minutes of all subcommittee meetings shall be made, copies of which shall be remitted to the members of the subcommittee and the Council.

#### ARTICLE IX: Voting and Balloting Procedures

Section 1. In any instance in which a majority vote is called for, the Chairperson shall issue a call for a voice vote, show of hands, or a secret ballot consisting of pieces of paper on which the member prints his or her choice. No proxy or absentee voting shall be allowed.

Section 2. All Council members, including the Chairperson, shall have voting rights.

#### ARTICLE X: Parliamentary Authority

Meetings shall be conducted generally in keeping with Robert's Rules of Order, but shall be as informal as circumstances permit.

#### ARTICLE XI: Adoption of Bylaws

These Bylaws shall take effect immediately upon majority vote of the Council.

#### ARTICLE XII: Amendment of Bylaws

Section 1. The Bylaws may be amended in whole or in part at a meeting of the Council by three-fourths vote, provided that such amendment was submitted to the Council at least ten working days prior to the meeting at which such amendment is to be offered and referred to all members of the Council.

Section 2. Adopted amendments shall take effect immediately upon adoption.

ARTICLE XIII: Conflict of Interest

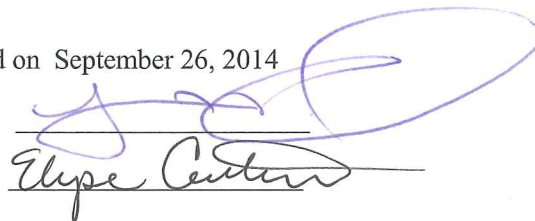
Section 1. Where a personal, professional, or financial conflict of interest may exist, participation by members of the Council, including engaging in tasks or duties of the Council, shall be determined under this Section:

- a) A conflict of interest means engagement in an official act or recommendation of the Council, which may be influenced by, or perceived to be influenced by, a direct economic benefit from an enterprise in which the member has a direct interest. A conflict of interest may also exist in circumstances where the member has a personal or professional interest that would interfere with participating objectively in an official act or recommendation.
- b) A conflict of interest may also exist when a Council member is a principal investigator or co-investigator for a grant application, a key partner in the writing of a grant application, or part of an organization submitting an application. In the latter situation, being part of an applicant organization by itself does not constitute a conflict of interest unless the Council member is part of the same organizational unit (e.g., program, section, department, division) as the applicant, or has a substantial professional or personal association with the principal investigator or a co-investigator on a grant application. If a Council member or their organization is a direct competitor in the same topical area as an applicant, this may also represent a conflict of interest.
- c) A member must disclose the potential conflict of interest, before the discussion begins, or as soon thereafter as the conflict is perceived, and disclose to the Council the basis of the conflict. The member can then either disqualify him or herself from any further participation or voting on the matter at hand, or upon disclosure of the conflict, the Chairperson will ask for comments from any members or any member of the public present. Except for the member disclosing the potential conflict of interest, the Council shall vote on whether a conflict of interest exists, and the member disclosing the potential conflict of interest shall be bound by the Council's vote.
- d) If a conflict is found to exist, the member disclosing the conflict of interest may be disqualified from discussion and/or voting on the matter at hand depending on the degree of conflict of interest.
- e) A conflict of interest may also be raised by other Council members or any member of the public in attendance.
- f) Any member wishing to abstain from voting shall notify the Council according to the Council's procedural policy mentioned above.
- g) Any Council member wishing to disengage from a required task or duty of the Council shall notify the Council and give citation of possible conflict of interest to the Chairperson.
- h) Dispensation from voting or duty shall pertain only to the specified vote or duty.

Bylaws adopted on September 26, 2014

Chairperson:

Attest:

A handwritten signature in blue ink, appearing to read "Elise Carter", is written over a horizontal line. Above this signature, there is a large, loopy, circular blue ink mark that partially obscures the text "Chairperson:".